

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**GONZALO GAONA-LOZANO,**

**Defendant.**

**8:08CR221**

## ORDER

This matter is before the court on the motion for an extension of time by defendant Gonzalo Gaona-Lozano (Gaona-Lozano) (Filing No. 24). Gaona-Lozano seeks additional time in which to file pretrial motions in accordance with the progression order. Gaona-Lozano's counsel represents that Gaona-Lozano will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act . Gaona-Lozano's counsel represents that government's counsel has no objection to the motion. Upon consideration and for good cause shown, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Gaona-Lozano's motion for an extension of time (Filing No. 24) is granted. Gaona-Lozano is given until **on or before September 19, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 11, 2008 (original motion deadline) and September 19, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial setting of September 15, 2008, is canceled. Trial of this matter will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or upon the expiration of the deadline set forth herein whichever occurs later.

DATED this 20th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge